



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590



REPLY TO THE ATTENTION OF

MAY 23 2013

SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Union Tank Car Company  
181 West Madison Street  
26<sup>th</sup> Floor  
Chicago, Illinois 60602  
Attention: Kenneth Fischl, President

Re: Request for Information Pursuant to Section 104(e) of CERCLA  
Wedron Groundwater Contamination Site  
Wedron, La Salle County, Illinois  
Site Spill Identification Number: C5B8

Dear Sir:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Wedron Groundwater Contamination Site (WGCS) in Wedron, Illinois. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, commonly known as "CERCLA" and "Superfund" gives the U.S. Environmental Protection Agency the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site and (3) clean up those sites in the order of the relative threats posed by each.

EPA is responding to the release or threat of release of hazardous substances, pollutants or contaminants at the WGCS. EPA is seeking additional information concerning the generation, storage, treatment, transportation and methods used to dispose of such substances. In addition, EPA is identifying activities, materials and parties that contributed to contamination at the Site. EPA believes that you might have information that may assist the Agency in its efforts.

EPA determined that the presence of hazardous substances discovered at the WGCS posed a threat to human health and the environment. The substance benzene was detected significantly above drinking water maximum contaminant levels (MCLs) in samples collected from several residential drinking water wells in Wedron, Illinois. Other current and historical contaminants that were detected in drinking water wells include toluene, ethylbenzene, xylenes, isopropylbenzene, naphthalene, dichloroethane, diethyl disulfide, methylnaphthalene, and

methylidene. The WGCS contains contaminated ground water and contaminated soils. EPA continues to conduct sampling to determine the nature and extent of the contamination. As an interim measure, EPA is providing bottled water and whole house filter units to impacted residents. EPA is currently using public funds to perform the WGCS investigation and provide alternate water.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and enclosed questions (Enclosure B) within 15 calendar days of your receipt of this letter.

#### Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility.
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the timeframe noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Instructions on how to respond to the questions in Enclosure B to this document are described in Enclosure A. Your response to this Information Request should be mailed to:

Mila Bensing, Enforcement Specialist  
U.S. Environmental Protection Agency  
Superfund Division  
Enforcement and Compliance Assurance Branch  
Enforcement Services Section 1, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

If you have additional questions about the history of the WGCS, the nature of the environmental conditions at the WGCS or the status of cleanup activities, please contact Steve Faryan, On-Scene Coordinator at (312) 353-9351 or Jacqueline Clark, Associate Regional Counsel at (312) 353-4191. However, if you have specific questions about the Information Request, please contact Mila Bensing, Enforcement Specialist, at (312) 353-2006 or Thomas Marks, her supervisor, at (312) 353-6591.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Jaffess", written in black ink.

Sharon Jaffess, Chief  
Enforcement & Compliance Assurance Branch

Enclosures

Enclosure A  
Information Request  
**Wedron Groundwater Contamination Site**

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- (a) the portions of the information alleged to be entitled to confidential treatment;
- (b) the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event or permanently);

- (c) measures taken by you to guard against the undesired disclosure of the information to others;
- (d) the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- (e) pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA's verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s) and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

## Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term “**arrangement**” means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term “**documents**” includes any written, recorded, computer-generated or visually or aurally reproduced material of any kind in any medium in your possession, custody or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term “**hazardous substance**” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term “**identify**” means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership or other business entity (including a sole proprietorship), the term “**identify**” means to provide its full name, address and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term “**material**” or “**materials**” shall mean any and all objects, goods, substances or matter of any kind, including but not limited to wastes.
7. The term “**person**” shall include any individual, firm, unincorporated association, partnership, corporation, trust or other entity.
8. The term “**pollutant or contaminant**” shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
9. The term “**real estate**” shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.
10. The term “**release**” shall mean any spilling, leaking, pumping, pouring, emitting, emptying,

discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term “**Site**” shall mean the Wedron Groundwater Contamination Site located in Wedron, La Salle County, Illinois.

12. The term “**waste**” or “**wastes**” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances and pollutants or contaminants, whether solid, liquid or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

13. The term “**solid waste**” shall mean any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, regardless of disposition.

14. The term “**you**” or “**Respondent**” shall mean Union Tank Car Company. The term “**you**” also includes any officer, managers, employees, contractors, trustees, successors, assigns and agents of Union Tank Car Company.

Enclosure B  
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Provide any documentation of or information related to any railcar accident resulting in a release or spill of solid waste, hazardous substances or materials, pollutants or contaminants from a Union Tank Car Company owned tank car within a one-mile radius of Wedron, Illinois, including but not limited to:
  - (a) Internal company documents; and
  - (b) Notifications to state, local or federal authorities.
6. Provide all information related to a rail car accident that occurred in Wedron, Illinois, in 1956 involving releases or spills of liquid substances from tank cars identified with the Union Tank Car Company marker (UTLX) (See attached copies of photographs taken of derailment in Wedron, Illinois, Attachment A), including:
  - (a) Information on the contents of the tank car released or spilled as a result of the accident;
  - (b) An explanation of placards attached to the tank car;
  - (c) Information describing damage to the tank car;
  - (d) The amount of each solid waste, hazardous substance or material, pollutant or contaminant released or spilled as a result of the accident;
  - (e) Identify the owners of the solid waste, hazardous substance or material, pollutant or contaminant released or spilled as a result of the accident that was accepted for transportation by you;
  - (f) For each solid waste, hazardous substance or material, pollutant or contaminant released or spilled as a result of the accident, describe any warnings given to you by the owner with respect to its handling;
  - (g) Information describing any and all activities undertaken in response to the releases or spills,



including the notification of any agencies or governmental units;

(h) Information describing any and all investigations of the circumstances, nature, extent or location of the releases or spills, including the results of any soil, water (ground and surface) or air testing undertaken; and

(i) All persons with information relating to releases or spills as a result of the accident.

7. Identify all leaks, spills or releases into the environment of any solid wastes, hazardous substances or materials, pollutants or contaminants that occurred at or from a Union Tank Car Company owned railcar (tank or freight) within a one-mile radius of Wedron, Illinois. In addition, identify:

(a) When such leaks, spills or releases occurred;

(b) How the leaks, spills or releases occurred;

(c) Where such leaks, spills or releases occurred;

(d) The amount of each solid waste, hazardous substance or material, pollutant or contaminant so leaked, spilled or released;

(e) Identify the owners of the solid waste, hazardous substance or material, pollutant or contaminant leaked, spilled or released that was accepted for transportation by you;

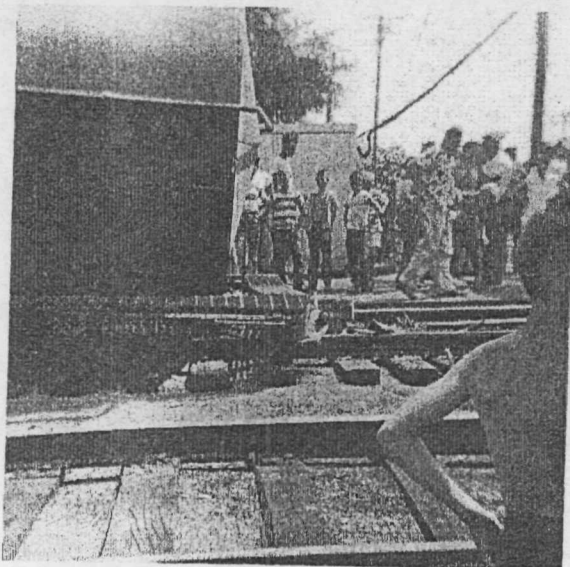
(f) For each solid waste, hazardous substance or material, pollutant or contaminant leaked, spilled or released, describe any warnings given to you by the owner with respect to its handling;

(g) Any and all activities undertaken in response to each such leak, spill or release, including the notification of any agencies or governmental units about the leak, spill or release;

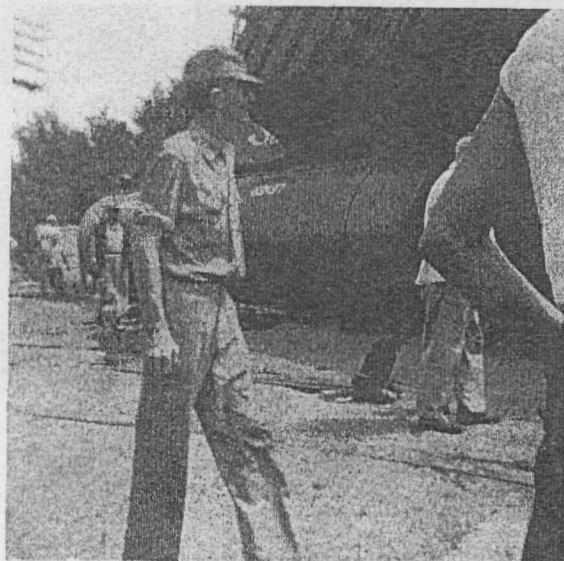
(h) Any and all investigations of the circumstances, nature, extent or location of each leak, spill or release including, the results of any soil, water (ground and surface) or air testing undertaken; and

(i) All persons with information relating to these leaks, spills or releases.

## ATTACHMENT A



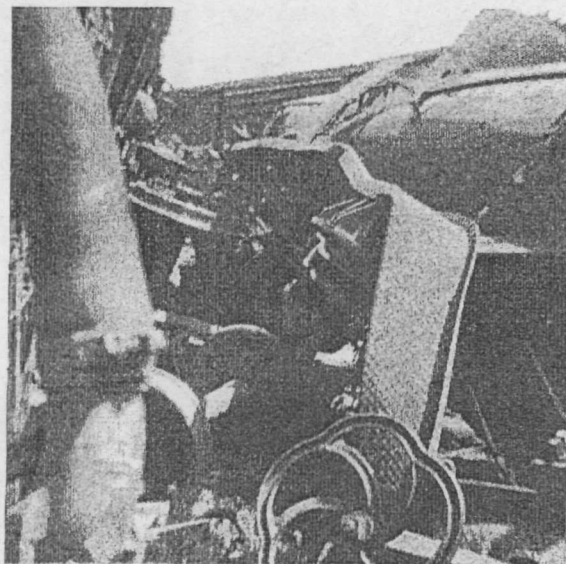
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